

The 31st October, 1985

No. 9/5/84-6Lab/9179.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Epsa Electrical Motors, 3-E, Kothi No. 163, Near Geeta Bal Niketan, N.I.T., Faridabad:—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 453/1983

between

SHRI BRIJ MOHAN SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. EPSA ELECTRICAL  
MOTORS, 3-E, KOTHI NO. 163, NEAR GEETA BAL NIKETAN, N.I.T., FARIDABAD

Present—

Shri H. P. Singh, for the workman.  
None for, the management.

#### AWARD

In exercise of the powers conferred by clause (d) of sub-section (g) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Brij Mohan Sharma, workman and the management of M/s. Epsa Electrical Motors, 3-E, Kothi No. 163, near Geeta Bal Niketan, N.I.T., Faridabad, to this Tribunal for adjudication:—

Whether the termination of service of Shri Brij Mohan Sharma was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. It may be mentioned that on 14th August, 1985, none appeared on behalf of the management even though they were represented previously and as such *ex parte* proceedings were ordered against them.

3. Shri Brij Mohan claimant has appeared as WW-1 and stated that he was appointed as Motor Binder Operator on 1st March, 1982 and was drawing Rs. 250 per month. He further stated that he was also turned out by the management on 28th January, 1983, and that he had filed a complaint regarding the same to that Labour Inspector. He further stated that no compensation was given to him at that time. He also stated that no settlement took place between him and the management and that no amount was received by him from the management. He further stated that Electrical Motors were being manufactured by the respondent, who had engaged 10/12 workers and that electric power was being used on the machine. He also stated that he was unemployed and that termination of his services was illegal and he be reinstated with full back wages.

4. The testimony of Shri Brij Mohan Sharma (WW-1) shows that the respondent is running an industry as defined in Section 2(k) of the Industrial Disputes Act, 1947 because electrical motors are being manufactured by them. His further evidence shows that he had worked for 334 days during the period 1st March, 1982 to 20th January, 1983 and that no compensation was paid to him, when his services were terminated. Consequently, the provisions of Section 25-F of the Industrial Disputes Act, 1947 have not been complied with by the management. The claimant has also stated that no settlement took place between him and the management and that no amount was received by him in that respect and further, that he was unemployed. There is no evidence in rebuttal because the management has been proceeded *ex parte*. Since the provisions of Section 25-F of the Industrial Disputes have not been complied with by the management, therefore, the termination of services of the claimant was neither justified nor proper. The claimant is consequently entitled to reinstatement with full back wages. The award is passed accordingly.

Dated the 14th October, 1985.

R. N. BATRA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endst. No. 799, dated the 16th October, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.